

REMARKS

I. STATUS OF THE CLAIMS

The claims are amended herein. No new matter is added.

In view of the above, it is respectfully submitted that claims 1-24 are currently pending.

II. PRIORITY

The Office Action stated that certified copies of Japanese applications 2000-245699 and 2001-013934 were not filed. However, these certified documents were filed and received by the USPTO on March 12, 2001, as indicated by the enclosed PTO mailroom stamped postcard receipt. Accordingly, it is respectfully submitted that the requirements of 35 U.S.C. § 119(b) have been met and it is respectfully requested that the Examiner recognize the proper filing of the certified Japanese applications.

III. IDS

The Office Action stated that the Japanese Patent Application No. 2001-013934 has not been considered. However, per the above, a certified copy of this application was previously received by the PTO. The Applicant respectfully requests that the Examiner consider the reference.

IV. REJECTION OF CLAIMS 5-8, 13-16 AND 21-24 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejected claims 6, 8, 16 and 24, asserting that the limitation "if it is judged at said second judging that it is impossible to provide, providing one stock to each customer" is unclear. See page 3, of the Office Action. The claims are amended herein to overcome the rejection.

The Office Action also asserted that the limitation "said second judging" in claims 5, 13 and 21 has insufficient antecedent basis. See page 3, of the Office Action. Claims 5 and 13 have been amended to overcome the rejection. However, the Applicant respectfully points out that claim 21 recites a second judging unit on line 2, and the antecedent basis for this feature is proper as recited in the claim.

Claims 6-8 and 14-16 are amended herein to overcome the rejection of recitations of "said second judging", "said third judging" and "said first providing", where applicable. See page

4, of the Office Action. However, the applicant respectfully points out that claims 22 and 24 recite a second judging unit, a third judging unit and a first providing unit. Thus, antecedent basis with respect to these claims is proper.

V. REJECTION OF CLAIMS 1-24 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER WALLMAN (U.S. PATENT NO. 6,601,044) IN VIEW OF FERNHOLZ (U.S. PATENT NO. 5,819,238)

Independent claim 1 recites judging, at said predetermined time, whether or not said totaled number of stocks of said odd lot selling orders or said totaled number of stocks of said odd lot buying orders is less than a round lot stock number defined for said particular stock company and equal to or greater than a threshold value that is less than said defined round lot stock number. For example, page 10, lines 4-11 and page 12, lines 4-11, of the application support the claimed embodiments. Independent claims 9, 17 and 23 recite somewhat similar features. The Applicant respectfully submits that the cited art fails to teach these features.

Wallman is silent as to this feature. Fernholz discusses that if conditions are satisfied, then the amount of shares to be traded is determined. See column 25, lines 5-7. The number of shares to be traded is rounded to the nearest multiple of 100 shares using a centering variable. See column 25, lines 14-16, of Fernholz. The centering variable specifies a band relative to the middle of a 100 share lot at which the share quantity will be rounded to the next higher lot. See column 25, lines 16-18, of Fernholz. However, Fernholz does not teach judging whether a totaled number of stocks is less than a round lot stock number defined for a particular stock company and equal to or greater than a threshold value that is less than the defined round lot stock number.

Claim 1 further recites totaling a number of stocks of odd lot selling orders or odd lot buying orders, which are received before a predetermined time. For example, page 10, lines 4-11, of the application support the claimed embodiments. Fernholz is silent as to this feature. Thus, Wallman and Fernholz, both individually and in combination, fail to teach the above features of claim 1.

The above comments are specifically directed to claim 1. However, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

Claim 2 depends from claim 1 and adds further limitations thereto. Further, claim 2 recites **a total amount of trading fees received from specific customers** for specific odd lot buying orders of said particular stock company or for specific odd lot selling orders of said

particular stock company. For example, page 10, line 10 through page 11, line 17, of the application support the claimed embodiments. The Applicant finds no teaching of this feature in Wallman.

Dependent claim 2 also recites a risk amount for a differential stock number between said defined round lot stock number and said threshold value. Wallman discusses that the entire order placed on the system incurs one fee that is distributed across the orders pro rata, so each order incurs a fee proportionate to its size. See column 15, lines 61-63. However, Wallman is silent as to using a risk amount for a differential stock number. Fernholz is also silent as to this feature. Thus, Wallman and Fernholz, both individually and in combination, fail to teach the features of claim 2.

The above comments are specifically directed to claim 2. However, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited art.

Independent claim 7 recites providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said providing from said round lot stock number to a customer who has a remainder of the order, according to a second predetermined rule. Claims 5, 6, 13, 15, 22 and 23 recite somewhat similar features. The Examiner asserts that Wallman discloses this feature, citing column 46, lines 1-18. The Applicant respectfully disagrees.

The cited section of Wallman discloses that once portfolios reach a central computer, they are broken down into their constituent trades. See column 46, lines 2-4, of Wallman. Trades can be aggregated and netted against one another, continuously executed as they arrive, or aggregated until reaching a certain size, at which point they are executed. See column 46, lines 5-18, of Wallman. However, none of the options taught by Wallman include providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said providing from said round lot stock number to a customer who has a remainder of the order, nor does Wallman disclose doing so in accordance with a second predetermined rule. Fernholz is also silent as to this feature. Thus, Wallman and Fernholz, both individually and in combination, fail to teach the features of claim 7.

The above comments are specifically directed to claim 7. However, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Applicant(s):

Takao SUMAKAWA, et al.

Title:

SYSTEM AND METHOD FOR SUPPORTING ODD LOT
TRADING

Serial No.:

Filing Date: *Not Yet Assigned*

Docket No.: *March 12, 2001*

Due Date: *1538.1012/JDH/ke*

March 31, 2001

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